REMARKS

This Application has been carefully reviewed in light of the Office Action dated March 19, 2009 ("Office Action"). In the Office Action, Claims 1-28 are pending and rejected. Applicants respectfully request reconsideration and favorable action in this case in light of the remarks below.

Claim Rejections - 35 U.S.C. § 103(a)

The Office Action rejects Claims 1, 9, 17, and 27 under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,922,786 issued to Ong ("*Ong*") in view of U.S. patent No. 6,885,861 issued to Koskelainen ("*Koskelainen/Philonenko*"). The Office Action also rejects Claims 2-5, 10-13, and 18-21 under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Ong* in view of *Philonenko* and further in view of Rosenberg, "Telephony Routing Over IP TRIP," November 2000 ("*Rosenberg*"). The Office Action rejects Claims 7, 8, 15, 16, 24, 25, 26, and 28 under 35 U.S.C. § 103(a) as being unpatentable over *Ong* in view of U.S. Patent No. 6,674,734 issued to Hsu et al. ("Hsu"). Applicants respectfully traverse these rejections as explained further below.

I. Claims 1, 9, 17, 27

i. "receiving a call, wherein the call includes a call identifier"

The proposed *Ong-Koskelainen* combination fails to teach, suggest, or disclose every element of Claim 1. For example, the proposed *Ong-Koskelainen* combination fails to disclose "receiving a call, wherein the call includes a call identifier," as recited in Claim 1. In addressing this element of Claim 1, the Office Action relies on *Ong*, col. 5, ll. 10-14. In the cited portion, however, *Ong* discloses

> Upon START, the user initiates a call at the end system. This call may include a VoIP, a video message, a video/audio message, or any media message or communication. Then, the end system contacts the corresponding call server to get authorization to make the call according to the call setup protocol.

The Office Action fails to identify in the cited portion any "call identifier," or any manner of "receiving a call, wherein the call *includes a call identifier*," as recited in Claim 1 (emphasis added). As a result, *Ong* fails to disclose this element of Claim 1. Combing *Koskelainen* with *Ong* fails to remedy this omission. Like *Ong*, *Koskelainen* fails to disclose this element

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of Claim 1. Accordingly, the propose *Ong-Koskelainen* combination fails to disclose "receiving a call, wherein the call includes a call identifier," as recited in Claim 1.

ii. "determining a filter status of the call"

The proposed *Ong-Koskelainen* combination also fails to teach, suggest, or disclose "determining a filter status of the call" as recited in Claim 1. In addressing this element of Claim 1, the Office Action relies on *Ong*, col. 3, ll. 55-66. However, the mere fact that, according to the cited portions of *Ong*, "[t]he real-time firewall includes a controller, a filter , and a modifier" and the "controller, the filter, and the modifier may be implemented by hardware, software, firmware or any combination thereof," does not mean that *Ong* discloses "determining a filter status *of the call*" (emphasis added). Combining *Koskelainen* with *Ong* fails to remedy this omission. Like *Ong*, *Koskelainen* fails to disclose this element of Claim 1. Accordingly, the proposed *Ong-Koskelainen* combination fails to disclose "determining a filter status of the call," as recited in Claim 1.

iii. "transmitting a notification message to a remote node, wherein the notification message identifies the call identifier and the filter status of the call"

As the Office Action concedes, *Ong* fails to disclose "transmitting a notification message to a remote node, wherein the notification message identifies the call identifier and the filter status of the call," as recited in Claim 1. Applicants respectfully note that in addressing Claim 1, the Office Action fails to address the language of this element entirely. Instead, the Office Action improperly paraphrases the wording of this element in describing the alleged teachings of both *Ong* and *Koskelainen*. Applicants note however that "[a]ll words in a claim must be considered in judging the patentability of that claim against the prior art." M.P.E.P. § 2143.03 (citing *In re Wilson*, 424 F.2d 1382, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970)). Thus, it is improper to paraphrase elements or omit claim terms for purposes of comparing the language of a claim to the teachings of cited art.

With respect to *Koskelainen*, the Office Action relies on col. 8, ll. 35-47, and asserts that "Koskelainen discloses . . . . using a notification message that identifies the call identifier for notifying about the change in the status of a user terminal." Office Action, p. 3. While Applicants do not necessarily agree with the Office Action's characterization of *Koskelainen*, Applicants note that this description erroneously paraphrases the language of Claim 1. In

particular, Claim 1 recites "transmitting a notification message to a remote node, wherein _the notification message identifies the call identifier_ and _the filter status_ of the call" (emphasis added). Applicants respectfully note that even if the Office Action had accurately recited Claim 1 in its entirety, the cited portion of _Koskelainen_ still fails to disclose the relevant elements of Claim 1. The mere fact that, according to _Koskelainen_, "[p]ush information is always delivered to the user terminal _using_ SIP NOTIFY and the same To, From and Call-ID headers in the service subscription," does not mean that "the notification message _identifies the call identifier_ and _the filter status_ of the call" (emphasis added). Additionally, the cited portion of _Koskelainen_ discloses that "[t]he payload in the SIP NOTIFY message depends on the push type and the user terminal's capabilities." The examples of payload types disclosed in _Koskelainen_ include "message type notifications (i.e., occasional events in sports matches)," in which case, the payload may be a "XML or ascii payload," and "streaming type push information," in which case the payload "includes the details of the streaming session." _Koskelainen_, col. 8, 42-47. Thus, _Koskelainen_ fails to disclose "transmitting a notification message to a remote node, wherein the notification message identifies the call identifier and the filter status of the call," as recited in Claim 1.

iv. The Ong-Koskelainen combination is improper

Moreover, with respect to the "transmitting a notification message" element of Claim 1, the proposed _Ong-Koskelainen_ combination is improper. Applicants respectfully note that, for an obviousness rejection to be appropriate, the Office Action must "identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does." _KSR Int'l Co. v. Teleflex Inc._, 127 S. Ct. 1727, 1742 (2007). "[A] patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art." _Id_. The proposed _Ong-Koskelainen_ combination not only fails to teach each element of the claims, but the Office Action's explanation for combining the cited references fails to satisfy this requirement. With respect to combining _Ong_ with _Koskelainen_, the Office Action states only that "it would have been obvious . . . to use a notification message that identifies the call identifier for notifying about the change in the status of user terminal and to differentiate between multiple sessions between two end points." Office Action, p. 3. This assertion does not identify any reason that would have prompted a person of ordinary skill in the relevant

field or fields to combine the identified elements of *Ong* and *Koskelainen*. Applicants respectfully note that *Ong* describes a "a real time firewall processor [that] includes a controller and a filter." *Ong*, Abstract. *Ong* does not suggest or disclose any need to "notify[] about the change in the status of user terminal" or "differentiate between multiple sessions between two end points." Thus, even assuming the Office Action is correct that *Koskelainen* provides the stated benefits, the Office Action fails to explain how any benefit provided by *Koskelainen* would benefit the "real time firewall processor" system of *Ong*, or what "status" or "user terminal" may signify in the context of the "real time firewall processor" disclosed by *Ong*. Accordingly, a person skilled in the art would not be motivated to combine the references for the reason stated by the Office Action. *See KSR Int'l*, 127 S. Ct. at 1742. The proposed *Ong-Koskelainen* combination is therefore improper for at least these reasons.

Accordingly, the proposed *Ong-Koskelainen* combination fails to teach, suggest, or disclose every element of Claim 1. Additionally, the proposed *Ong-Koskelainen* combination is improper. Claim 1 is therefore allowable for at least these reasons. Although differing in scope, Claims 9, 17, and 27 include elements that, for reasons analogous to those discussed with respect to Claim 1, are not taught, suggested, or disclosed by the proposed *Ong-Koskelainen* combination. Claims 9, 17, and 27, and their respective dependent claims, are therefore allowable for at least these reasons. Accordingly, Applicants respectfully request reconsideration and allowance of Claims 1-6, 9-14, 17-23, and 27.

Claims 7, 15, 24, 28

i. "determining a filter status associated with the call identifier"

The proposed *Ong-Hsu* combination fails to teach, suggest, or disclose each and every element of Claim 7. For example, the proposed *Ong-Hsu* combination fails to disclose "determining a filter status associated with the call identifier." In addressing this element of Claim 7, the Office Action improperly paraphrases this element in describing the alleged teaching of *Ong*. As Applicants noted above with respect to the rejections of Claim 1, "[a]ll words in a claim must be considered in judging the patentability of that claim against the prior art." M.P.E.P. § 2143.03 (citing *In re Wilson*, 424 F.2d 1382, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970)). In addressing this element of Claim 7, the Office Action relies on *Ong*, col. 4, ll. 56-63, and improperly paraphrases this element to recite "determining an

acknowledgement message to the remote node." Office Action p. 6. Applicants respectfully note that Claim 7 recites "determining a filter status associated with the call identifier." Moreover, even if the Office Action had properly recited Claim 7 in its entirety, Applicants respectfully note that the cited portion of *Ong* nevertheless fails to recite this element of Claim 7. In the cited portion, *Ong* discloses that

> [t]he COPS message sequence typically consists of a request (REQ) message and a decision (DEC) message. The REQ message is sent from the real-time firewall 150 to the call server 130/190 to request filtering information. The DEC message is sent from the call server 130/190 to the real-time firewall 150 to contain-filtering information including the filtering characteristic 215.

The cited portion fails to disclose any "call identifier" nor any manner of "determining a filter status *associated with the call identifier*," as required by Claim 7 (emphasis added).

Furthermore, as the Office Action concedes, *Ong* does not disclose any "call identifier." Office Action, p. 3. As a result, *Ong* does not disclose "determining a filter status *associated with the call identifier*" (emphasis added). Office Action, p. 6. In addressing a related element of Claim 7, the Office Action states that "*Ong* does not specifically disclose wherein the request message includes a call identifier." Office Action, p. 6. The Office Action attempts to combine *Hsu* with *Ong* to remedy this deficiency. However, the mere fact that, according to *Hsu*, "the further new gatekeeper then sends a GK status request message using the call ID information of the call between local and remote end points to the new gatekeeper," does not mean that *Hsu* discloses "*determining a filter status* associated with the call identifier" (emphasis added). Claim 7 is allowable for at least these reasons.

ii. the Ong-Hsu combination is improper

Additionally, the proposed *Ong-Hsu* combination is improper. As noted above, for an obviousness rejection to be appropriate, the Office Action must "identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does." *KSR Intern. Co. v. Teleflex Inc.*, 127 S.Ct. 1727, 1742. (2007). "[A] patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art." *Id.* Applicant respectfully submits that the Office Action's explanation for combining the cited references fails to satisfy this requirement. More specifically, in explaining why one of skill in the art would allegedly be led to make the proposed combination, the Office Action simply

asserts that "it would have been obvious to a person of ordinary skill in the art . . . to send, in response to the request message that includes a call identifier, the relay setup message including the relay TCP port number, user plane information, and relay gatekeeper IP address and that according to the H.323 standard protocol." Office Action, p. 6. Applicants respectfully note that this assertion merely restates a portion of *Hsu* that states a "the new gatekeeper, in response to the GK status request message, sends a GK status request ACK message which includes GK state information according to the H.323 standard having, for example, user plane information, relay gatekeeper IP address, TCP port number, etc., to the further gatekeeper." *See Hsu*, col. 9, ll. 55-67. The cited portion fails to identify any feature allegedly provided by *Hsu* that would benefit the "real-time firewall processor" system of *Ong*, nor explain why the alleged benefit provided by *Hsu* would prompt one of ordinary skill in the art to combine *Hsu* with *Ong*. Instead, the Office Action simply cites to a portion of *Hsu* describing a particular aspect of the *Hsu* system as a whole. Moreover, the cited portion is an additional step that does not result from or depend on using the portions of *Hsu* the Office Action proposes combining with *Ong*. Thus, the proposed combination does not satisfy the standard of *KSR* and is improper for at least this reason.

Accordingly, the proposed *Ong-Hsu* combination fails to teach, suggest, or disclose every element of Claim 7. Although differing in scope, Claims 15, 24, and 28 include elements that, for reasons analogous to those discussed with respect to Claim 7, are not taught, suggested, or disclosed by the proposed *Ong-Hsu* combination. Additionally, the proposed *Ong-Hsu* combination is improper. Claims 7, 15, 24 and 28, and their respective dependent claims are therefore allowable for at least these reasons. Accordingly, Applicants respectfully request reconsideration and allowance of Claims 7, 8, 15, 16, 24, 25, and 28.

Dependent Claims 2, 8, and 10

Additionally, several of Claims 2-6, 10-14, and 18-23 include further elements that the proposed *Ong-Koskelainen-Rosenberg* combination fails to teach, suggest, or disclose. For example, the proposed *Ong-Koskelainen-Rosenberg* combination fails to teach, suggest, or disclose "receiving an open message, wherein the open message identifies a node operable to receive notification messages," as recited in Claim 2. The Office Action, in addressing this element of Claim 2, concedes that neither *Ong* nor *Koskelainen* discloses this element, and instead relies on an *Rosenberg*, § 4.2. Office Action, p. 4. The Office Action further asserts that *Rosenberg* allegedly discloses the element of Claim 2 "for the purpose of confirming the identification of a node that should receive messages" *Id.* While Applicants do not necessarily agree with the Office Action's characterization of *Rosenberg*, the cited portion merely describes an "Open Message" that contains the following fields: "Version," "Reserved," "Hold Time," "My ITAD," "TRIP Identifier," Optional Parameters Length" and "Optional Parameters." *Rosenburg*, § 4.2. The cited portion of *Rosenberg* does not disclose "receiving an open message, wherein *the open message identifies a node operable to receive notification messages*." As a result, *Rosenberg* fails to disclose "receiving an open message, wherein the open message identifies a node operable to receive notification messages," as recited in Claim 2.

Claim 2 is therefore allowable for at least these additional reasons. Although differing in scope, Claims 10 and 18 includes elements that, for reasons discussed with respect to Claim 2, are not taught, suggested, or disclosed by the proposed *Ong-Koskelainen-Rosenberg* combination. Claims 2, 10, and 18 are therefore allowable for at least these additional reasons.

CONCLUSION

Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicants respectfully request full allowance of all pending Claims.

If the Examiner feels that a telephone conference or an interview would advance prosecution of this Application in any manner, the undersigned attorney for Applicants stands ready to conduct such a conference at the convenience of the Examiner.

No fees are believed to be due, however, the Commissioner is hereby authorized to charge any other required fees or to credit any overpayments to Deposit Account No. 02-384 of Baker Botts L.L.P.

Respectfully submitted,

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